

7.0 SPECIAL RESIDENTIAL REGULATIONS

7.1 CONVERSION OF DWELLING

7.1.1 General. No new dwelling unit created by the conversion of an existing dwelling into a greater number of units or by addition or enlargement of an existing dwelling shall be permitted unless the requirements of minimum lot area for each dwelling unit, maximum ratio of floor area to lot area, usable open space and off-street parking are satisfied for all dwelling units in existence and proposed in the dwelling after the conversion or enlargement.

7.1.2 Open Space. The requirements for usable open space may be waived to provide areas for off-street parking provided that such a waiver is requested in writing and approved by the Inspector of Buildings and provided that all other requirements of this Section are met.

7.2 PLANNED DEVELOPMENT

7.2.1 Purpose. Planned Development may be authorized by special permit for the following purposes:

1. to encourage intensive development in the waterfront area along Chelsea Creek;
2. to provide a mix of uses and activities, which in turn provide a healthy economic environment;
3. to provide and preserve views of the Boston skyline and waterfront activity;
4. to provide waterfront access and view areas;
5. to assure development which is compatible with the Waterfront Plan;

6. to maximize the locational advantage of proximity to Boston and to Logan International Airport;
7. to encourage appropriate development;
8. to encourage efficient allocation, distribution, and maintenance of open space;
9. to assure economical and efficient street, utility and public facility installation, construction, and maintenance;
10. to assure land use harmonious with natural features.
11. to promote purpose enumerated in the Everett Avenue Urban Renewal Project.

7.2.2 Special Permit. A special permit may be granted for a planned development, subject to the provisions of this Section 7.2 and subject to site plan approval, for the following purposes; provided, however, that where the planned development is located in the Everett Avenue Urban Renewal Area, it shall be subject to the provisions of Section 7.2.2 to 7.2.9.

7.2.3 Eligible Uses. Any combination of the following uses is eligible for consideration:

1. Apartment buildings and town houses;
2. Residential Care Facility;
3. Hotels, motels;
4. Restaurants with or without alcoholic beverages;
5. Trade and craft shops;

6. Professional, business and governmental offices;
7. Retail and personal service establishments;
8. Live/Work Studio; Work/Live Studio and Work only studio's
9. Uses accessory to permitted uses, including accessory business uses, onsite parking, and offstreet loading.

7.2.4 Minimum Acreage.

1. The site for a planned development shall have a minimum of four (4) contiguous acres above the high water line in Residential 1 and Residential 2 Districts outside of the Everett Avenue Urban Renewal Area.
2. The site for a planned development shall have a minimum of two (2) contiguous acres above the high water line in all other Districts and in the Everett Avenue Urban Renewal Area.
3. Such acreage shall be of a shape deemed reasonable for the purpose by the Department of Planning and Development in accord with the provisions of Sections 7.2.7 and 7.2.8, or in the case of a planned development in the Everett Avenue Urban Renewal District, Section 7.2.7.

7.2.5 Intensity of Use. Intensity of use shall be determined by the Zoning Board of Appeals after a recommendation from the Department of Planning and Development in accordance with the provisions of Sections 7.2.7 and 7.2.8.

7.2.6 Miscellaneous Conditions.

1. The area shall be in one ownership and shall be developed as a single parcel under one ownership, by an

individual, corporation, partnership or trust.

2. If the planned development is to be constructed in phases, each phase after the first must be constructed contiguous and adjacent to a preceding phase or phases. Phases separated only by streets or ways shall be considered contiguous.

3. Setback requirements for the district in which the planned development is located shall be applicable.

7.2.7 Procedures.

1. An applicant for approval of a planned development shall apply to the Department of Planning and Development for design review and recommendation in accordance with the provisions of Section 7.2.8, prior to submission to the Special Permit Granting Authority.

2. The application for site plan approval can be filed simultaneously with the application for design review, if in the opinion of the applicant such filing will expedite processing of the application.

3. A developer desiring to obtain a special permit to construct a planned development may, prior to submitting an application for the special permit, request a pre-application conference. The purpose of the conference is for both parties to become familiar with the proposed planned development. The proponent shall not be required to present any written or graphic materials at the pre-application conference.

4. At the pre-application conference, the Department shall familiarize the proponent with the process for obtaining a special permit for a planned development and explain issues that should be considered in planning the project. The proponent may discuss the range of options concerning development and inform the Department of the development

concept.

5. A developer who wishes to apply for a Special Permit for a Planned Development must submit to the Department of Planning and Development an application obtained from the Department and a Development Proposal. The purpose of the Development Proposal shall be to provide the Department with an opportunity for a preliminary but substantive review of the Planned Development prior to making a recommendation to the Special Permit Granting Authority.

6. The written and graphic information specified in Section 7.2.8, and for Planned Development in the Everett Avenue Urban Renewal District, must be submitted for the entire proposed planned development when applying for a special permit.

7. No building permit shall be granted until the design approval and recommendations are given, site plan approval and a special permit have each been granted. Where the special permit attaches conditions which necessitate modification of site plan approval, a revised site plan must be approved.

7.2.8 Design Review. Design review shall be required for all uses in a planned development except for construction, reconstruction or repair which does not involve a change in design, material, color or the outward appearance of an existing building; or construction, reconstruction or alteration of any feature which the Inspector of Buildings shall certify is required for the public safety because of an unsafe or dangerous condition.

1. Within a period of thirty (30) days after the filing of the plans and application for the design review, the Department of Planning and Development shall determine whether the proposed construction, reconstruction, alteration, restoration, or moving of the buildings, structures or appurtenant fixtures involved will be appropriate in terms of the purposes and conditions

contained in this Section, and will report to the Special Permit Granting Authority with or without recommendations.

2. In considering such application for a design review, the Department of Planning and Development may consult an architect, city planner or urban designer at the expense of the applicant, providing that in no case the applicant is charged by the Department of Planning and Development more than one (1) percent of the construction costs for the costs of processing an application for a Design Certificate.

3. Application for a design review shall be made on a form supplied by the Department of Planning and Development and shall be accompanied by the following items in addition to the items required for site plan and Special Permit submissions:

- a. A performance bond of sufficient amount to install improvements which will be dedicated to the City; and a performance bond to guarantee landscaping plant material survival or a contract with a landscaping firm which adequately provides such guarantees.
- b. A plan for the phasing of the development and the reasonable time of completion of each phase.
- c. Hydrological, soil, flooding and subsurface studies evaluating the site for development.
- d. A circulation plan showing the street system and circulation patterns within and adjacent to the proposed development including any special engineering features, such as, but not limited to, median strips, overpasses and underpasses and major pedestrian paths.
- e. As built plans will be filed with the Inspector of Buildings within thirty (30) days after the completion of construction pursuant to a Design Certificate.

7.2.9 Design Standards. When considering plans submitted for design review for a planned development, the following factors shall be considered by the Department of Planning and Development:

1. Orientation and Views.
 - a. Heights of buildings shall be recommended by the Department of Planning and Development after consultation with the Chelsea Fire Department and shall be determined with due regard to maintaining existing view lines.
 - b. Buildings shall be sited to maintain existing view lines, and to relate to one another and adjacent developments to insure adequate light, air, and privacy.
2. Public Access to the Waterfront.
 - a. An area shall be provided at least fourteen (14) feet wide adjacent to the mean high tide water edge for the purpose of providing continuous access for pedestrian traffic along the waterfront and for the purpose of providing an easement for underground utilities unless the Department of Planning and Development determines that such an area would be hazardous. It shall be designed to connect with adjacent developments for this purpose. This corridor may not extend over piers, bulkheads, breakwaters or extensions into the Creek, where, in the opinion of the Department of Planning and Development the best interests of the public safety would not be served thereby.
 - b. A thirty (30) foot setback from the water edge as defined above shall be required. In relation to the waterfront pedestrian corridor, the Department of Planning and Development will encourage, but not

require, an additional area adjacent to the thirty (30) foot required minimum setback to enhance the corridor by creating plazas, malls or green areas. The applicant will be encouraged to make maximum use of the waterfront and Boston skyline and also to respect these views for other affected developments.

- c. Adequate privacy, light, air, and access will be considered in the development of side, rear and front yard setbacks.

3. Scale.

- a. Arrangement of new facilities should be compatible with existing developments landward of the district. The building line should be maintained in infill projects.
- b. In the Waterfront District and the Industrial District, from the shore line the silhouette shall follow the general slope of the topography so that on the shore one or two story structures are to be desired.

4. Landscaping. There shall be a sufficient amount of landscaping, as determined by the Board of Aldermen upon recommendation by the Department of Planning and Development to insure protection of and to enhance the quality of the neighborhoods and, where applicable, to enhance the view from Boston and from the water.

5. Parking/Loading/Service.

- a. Parking and loading areas shall be designed and landscaped in accord with the provisions of Section 5.1 to 5.3 unless otherwise recommended by the Department of Planning and Development to accommodate the mix of uses in the planned development.

- b. Any point of vehicular access for delivery of goods will be encouraged to respect the character of the pedestrian corridor, where it exists.
- c. In the Waterfront District and the Industrial District, water oriented commercial facilities requiring the movement of goods across the pedestrian corridor shall provide controlled points of access. Service may be permitted utilizing the pedestrian corridor. However, this service may be restricted to nonpeak pedestrian hours.

6. Signs. In addition to the provisions of Section 5.4, all signs must be reviewed by the Department of Planning and Development.

7. Activity.

- a. When a Planned Development has more than one category of use, e.g., residential, business, industrial, the percentage of each use shall be determined by the Special Permit Granting Authority based on recommendations from the Department of Planning and Development. If necessary to determine the appropriate mix of uses, or in the case of residential use, the size and type of dwelling units, the Department of Planning and Development may require the applicant to submit supporting data and/or studies.
- b. In appropriate cases, the Special Permit Granting Authority on a recommendation from the Department of Planning and Development may require a set aside of not more than ten (10) percent of the dwellings units, if any, for low and moderate income housing.
- c. In the Waterfront District and the Industrial Districts, facilities which make provision for the periodic outdoor use of waterfront areas by the pedestrian public are desirable. Mixed uses should be encouraged. Activity corridors and linkages with

Chelsea Square should be encouraged.

